



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goddard et al. (as amended)
Appl. No. : 10/036,342
Filed : December 26, 2001
For : POLYPEPTIDES THAT INDUCE
CELL PROLIFERATION (as
amended)
Examiner : Kolker, Daniel E.
Group Art Unit : 1646

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We declare and state as follows:

- DK
considered
7/26/05
1. We are the inventors of the invention claimed in the above-captioned patent application.
 2. During the time period in which we participated in the events and activities described herein, we were employed by Genentech, Inc., the assignee of the above-captioned application.
 3. All of the events and activities described herein were performed by us personally, or by others at our direction as part of our duties as employees of Genentech, Inc.
 4. The invention claimed in the above-captioned patent application was conceived and reduced to practice in the United States prior to November 18, 1999 as described below.
 5. Prior to November 18, 1999, we conceived of the invention claimed in the above-captioned patent application. This is demonstrated by the attached sequence printout (Exhibit A), which was generated prior to November 18, 1999, and which shows the complete sequence of the nucleic acid having the sequence of SEQ ID NO: 56. The attached printout also shows the complete sequence of the polypeptide which has the sequence of SEQ ID NO: 57. As evidenced by the sequence printout, we were in possession of the complete nucleic acid and amino acid sequences prior to November 18, 1999.
 6. The date deleted from Exhibit A is prior to November 18, 1999. This date was redacted pursuant to M.P.E.P. § 715.07. The date that remains is the date the report was printed, April 28, 2005.
 7. After these initial experiments, we diligently reduced the claimed subject matter to practice by working to express and purify the encoded polypeptide and to run it systematically



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Examiner : Daniel E. Kolker
Group Art Unit : 1646

DECLARATION UNDER 37 C.F.R. §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DK
considered
7/26/05

I hereby aver that the nucleic acid of SEQ ID NO: 56, which encodes the protein of SEQ ID NO: 57, was deposited with the American Type Culture Collection (ATCC) April 20, 1999 and was given ATCC deposit number 203948. Accordingly, the deposited material has been accepted for deposit under the Budapest Treaty on the International Recognition of the deposit of Microorganisms for the Purposes of Patent Procedure and all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon granting of the patent. The deposit will be maintained for a term of at least 30 years and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository

The deposited material is identical to the biological material and was in the Applicant's possession at the time the application was filed.

GENENTECH, INC.

Date: 5/26/05By: [Signature]Title: PATENT AGENT